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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,882	02/16/2001	Marcia L. Peters	RSW9-2000-0138-US1	5204

7590

08/31/2004

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 08/31/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/784,882

Applicant(s)

PETERS ET AL.

Examiner

Joshua D Campbell

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-9, 11-16, and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 08/09/2004.
2. Claims 1-21 are pending in this case. Claims 1, 8, and 15 are independent claims.

Allowable Subject Matter

3. Claims 3, 10, and 17 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. The following is a statement of reasons for the indication of allowable subject matter:

Regarding dependent claims 3, 10, and 17, none of the references, either singularly or in combination, teach or fairly suggest the amended feature wherein the original URL is used to access the page if the new URL is found to be invalid. Himmel et al. teaches a method in which bookmarks are updated with new URLs based on redirect commands but does not disclose that the old URL is stored in case the new URL eventually goes valid. It is also well known to store visited URLs in history in any situation in conventional browsers, but it is neither well known or disclosed in the prior art of record to use that historical URL as a backup for access of the web page that is now bookmarked at a new URL.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 4-8, 11-15, and 18-21 remain rejected under 35 U.S.C. 102(a and e) as being anticipated by Himmel et al. (hereinafter Himmel, US Patent Number 6,041,360, issued on March 21, 2000 from the IDS).

Regarding independent claim 1, Himmel discloses a method in which a redirect command is placed in a web page at an original URL contained in a bookmark (column 17, line 1-column 18 line 9 of Himmel). The web page is loaded and read by a browser program (column 17, line 1-column 18 line 9 of Himmel). The bookmark for that original URL is then updated with the new URL from the redirect command (column 17, line 1-

column 18 line 9 of Himmel). Himmel discloses a method in which the original URL is a static URL (column 17, line 40-56 of Himmel).

Regarding dependent claim 4, Himmel discloses a method in which the replacement step can be turned on or off by the user through the web browser (column 17, line 1-column 18 line 9 of Himmel).

Regarding dependent claims 5 and 6, Himmel discloses a method in which the web pages that can be read for redirect can be encoded in HTML and XML (column 21, lines 19-51 of Himmel).

Regarding dependent claim 7, Himmel discloses a method in which an update program can be run automatically to periodically check for URL changes and replace them (column 17, line 1-column 18 line 9 of Himmel).

Regarding independent claim 8 and dependent claims 11-14, the claims incorporate substantially similar subject matter as claims 1 and 4-7. Thus, the claims are rejected along the same rationale as claims 1 and 4-7.

Regarding independent claim 15 and dependent claims 18-21, the claims incorporate substantially similar subject matter as claims 1 and 4-7. Thus, the claims are rejected along the same rationale as claims 1 and 4-7.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 2, 9, and 16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel et al. (hereinafter Himmel, issued on March 21, 2000).

Regarding dependent claim 2, Himmel et al. does not disclose a method in which URLs from the original bookmark address are stored in history. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the URL in a history because it is well known in the art to store all URLs visited in a browser's history (automatic book marking of user activity).

Regarding dependent claims 9, the claim incorporates substantially similar subject matter as claim 2. Thus, the claim is rejected along the same rationale as claim 2.

Regarding dependent claims 16, the claim incorporates substantially similar subject matter as claim 2. Thus, the claim is rejected along the same rationale as claim 2.

Response to Arguments

10. Applicant's arguments filed 08/09/2004 have been fully considered but they are not persuasive.

Regarding the arguments on pages 9-10 regarding the limitation "...where said original URL is static," it has become apparent to the examiner that confusion exists between the term URL and bookmark. Himmel discloses a method in which dynamic bookmarks, bookmarks which update with respect to changes in address of pages, are used to properly maintain links for pages that may have changed URLs, these URLs being static in existence (see rejection above). The examiner agrees completely that the bookmarks of the system are dynamic, exactly as the bookmarks of the applicant's invention are dynamic. However, it is important to note that the URLs that the bookmarks reference are static in both cases.

Regarding the arguments on pages 10-11 regarding claims 2, 9, and 16. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., time stamp, web page name, etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). History was a well known term in the art at the time the invention was made thus the well known definition shall be used to interpret the claim. Therefore, the claims stands rejected as shown in the rejection above.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
August 26, 2004



STEPHEN S. HONG
PRIMARY EXAMINER